

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

New York State Professional Process Servers Association, Inc.
on behalf of itself and aggrieved members, and Howard D.
Clarke, and Stephen J. Boyko, Inc. d/b/a Consolidated Claims
Service, Individually, and as Representatives for all similarly
aggrieved New York City Process Server Individuals and Process
Serving Agencies,

**CITY DEFENDANTS'
NOTICE OF MOTION TO
DISMISS THE
COMPLAINT**

Plaintiffs, 14 CV 1266 (DLC) (MHD)

Against

City of New York, and Michael T. Bloomberg, Bill de Blasio,
Jonathan Mintz, Alba Pico, Nancy Schindler, Esq., Bruch
Dennis, Esq., James Plotkin, Esq., Nicholas J. Minella, Esq.,
Alvin Liu, Esq., Shannon Bermingham, Jordan Cohen, Esq.,
Philip Kimball, Esq., Lori Barrett, Esq., Megan Roberts, Esq.,
Wanda Day, Esq., Fred Cantor, Esq., Allison Rene Johnson,
Esq., Margarita Marsico, Esq., David Cho, K. James, Wilfredo
Lopez, Esq., Eunice Rivera, G. Pikulina, P. Kumar, Michele
Mirro, Esq., Mitchell B. Nisonoff, Esq., Lee Fawkes, Esq.,
Steven T. Kelly, Esq., Nancy Tumelty, Esq., Susan Kassapian,
Esq., Maurice Nwikpo-Oppong, Esq., Eryn A. DeFontes, Esq.,
Richard Zeitler, Jr., Esq., David Scott Paul, Esq., Shanet Viruet,
Esq., and Judith Gould, Esq., all Individually and in their
capacities as officials and employees of the City of New York,

Defendants.


----- X

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jasmine M. Georges, dated April 25, 2014, and the exhibits attached thereto, the Memorandum of Law, dated April 25, 2014, and upon all the papers, pleadings and proceedings heretofore had and filed herein, the undersigned will move this Court before the Honorable Denise L. Cote at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date to be set by the Court, for an order pursuant to Rule 12(b)(6) of the

Federal Rules of Civil Procedure dismissing the complaint against City defendants¹ for failure to state a claim upon which relief can be granted, together with such other and further relief as the Court deems just, fair and equitable.

Dated: New York, New York
April 25, 2014

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for City defendants
100 Church Street
New York, New York 10007
jgeorges@law.nyc.gov
(212) 356-2210

By: 
JASMINE M. GEORGES (JG5412)
Assistant Corporation Counsel

TO: BY ECF:
Tracy J. Harkins, Esq.
Attorney for Plaintiffs
48 Birch Hill Road
Mt. Sinai, New York 11766
(631) 476-3750

¹ This office represents the defendant City of New York ("City") and all of the individually named defendants except defendants Michele Mirro and Susan Kassapian. In addition, this office has not been able to confirm whether it will be representing Shanet Viruet, Lee Fawkes, or Enrique Rivera; however, for the same reasons that this motion to dismiss should be granted in favor of the City of New York, it likewise should be granted as to these defendants.